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March 4, 2014.

**Testimony of Sheldon Toubman in Support of Raised Bill 251, with Amendments to
Preserve Eligibility at Renewal for DSS Enrollees Who Have Complied with All
Redetermination Requirements**

Good afternoon, Sen. Slossberg, Rep. Abercrombie and members of the Human Services Committee. My name is Sheldon Toubman and am an attorney at New Haven Legal Assistance Association who specializes in benefits for low-income individuals, most of which are provided by the Department of Social Services. I am here to testify in support of Bill 251, which will address problems individuals have had in submitting required documents to DSS and in having the documents properly dated. In addition, I would like to suggest a friendly amendment to make it possible to address another systemic DSS access issue that is crying out for relief.

It is essentially common knowledge now that there is a major problem at DSS where individuals who timely have submitted their completed redetermination forms at annual renewal and who are still eligible for benefits based on what they submitted are nevertheless routinely cut of benefits with a notice stating they failed to complete the redetermination process or failed to submit the required document. The cause of this systemic problem for clients is actually simple: (1) DSS does not have enough workers to process the redetermination forms as they come in-- they are scanned into the person's electronic file, but the agency staff has not been able to LOOK at the form to determine if the person is still eligible; the task to do that is in the "queue" for the processing centers; and (2) the computers are programmed by DSS to **automatically terminate** someone if DSS has not actually reviewed the redetermination form, found the person to be eligible and inputted that data into the central EMS eligibility system. In other words, the default when the person has done everything right and is still eligible for benefits, but DSS is too overwhelmed to get to the document that shows continuing eligibility, is termination.

Needless to say, termination of benefits causes a great deal of stress for individuals who are just barely getting by already and it may precipitate things like eviction when they can't pay their rent. In addition, in the case of Medicaid, it means prescriptions go unfilled, doctor visits are cancelled, and even scheduled surgeries are postponed, because the DSS eligibility system is programmed to tell providers (accurately) that the individual has been terminated from all Medicaid benefits-- even though the proof that they are still eligible for Medicaid is sitting in DSS's computers, unprocessed. When these erroneous terminations occur, frantic individuals call the already severely overburdened DSS call centers for help, usually giving up without ever reaching a human being. And they call social service providers, local officials and even the Governor's office for help. Ultimately, these individuals are almost always reinstated on benefits, but after costly, disruptive terminations have occurred, and, while benefits are theoretically provided retroactively, it is not possible to get retroactive health care or retroactively to address hunger.

I also note that this problem predates the “modernization” program otherwise known as ConneCT, which was essentially put in full effect in July of 2013. Before the rollout of ConneCT this summer, concerns about this problem were addressed with assurances that ConneCT would solve it. However, this has not occurred. This kind of ineffective processing which negatively effects thousands of low income residents every month is something that nobody wants, and it is time to address it once and for all.

The real solution to this serious problem is more staff. DSS just does not have enough bodies to timely process all the work they have. But, to mitigate the harm in the absence of adequate staffing, advocates have been urging DSS for some time to **change** the default so that, if someone timely submits their redetermination form to DSS, no termination will occur unless and until DSS actually reviews that form and determines the person is in fact **not** eligible. While DSS has been resistant to this suggestion in the past, we were pleased to hear at the 2/14/14 DSS forum on ConneCT before the Council on Medical Assistance Program Oversight (MAPOC) that they intend to move in this direction, at least for Medicaid. This protection should apply equally to all programs. Unfortunately, however, under federal law, DSS is not allowed to continue SNAP until there also is a personal contact, either in person or by telephone, in which a DSS worker ascertains the person is still eligible at renewal.

Raised Bill 251 before you would require DSS to take applications in any appropriate form, and also would require a system for accurately dating the receipt of any documents. I urge you to pass favorably on this language. But the bill should be amended to **change the default at renewal** for all benefits except SNAP, if the enrollee has timely submitted their redetermination form (plus provide other protections for SNAP enrollees, since the default for them cannot be changed). The attached language, in proposed subsections (c) through (e), would accomplish this, by requiring DSS to keep track of anyone who has timely submitted a redetermination form and to shut off the automatic termination for any such individuals (except for SNAP benefits).

Thank you for the opportunity to speak with you today. I would be happy to answer any questions you may have.

PROPOSED AMENDMENT TO RAISED BILL 251 PENDING
BEFORE THE HUMAN SERVICES COMMITTEE

(c) The Commissioner of Social Services shall ensure that the department can readily identify (1) all redetermination forms which have been received for any program it administers and are waiting to be processed, and (2) which of these forms were received by the deadline provided by the department for their submission and which were submitted after that deadline.

(d) The Commissioner shall ensure that, for all benefit programs other than Supplemental Nutritional Assistance Program, no beneficiary who has timely submitted a redetermination form by the deadline provided by the department will be terminated from their benefits until a review of the redetermination form is completed and the individual is found to no longer be eligible based on what is stated on that form or obtained from other sources.

(e) The Commissioner shall ensure that all beneficiaries of the Supplemental Nutritional Assistance Program, who submit the redetermination form by the deadline provided by the department, are afforded an opportunity for an interview sufficiently before the end of the renewal period so that the redetermination can be timely processed.